

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

PAUL McCREARY,

Plaintiff,

v.

BARROCK OBALMA,

Defendants.

Case No. 3:15-cv-00039-MMD-VPC

ORDER

**I. DISCUSSION**

On June 26, 2015, this Court dismissed Plaintiff's case, without prejudice, for failure to pay the \$400 filing fee in light of Plaintiff's three strikes status. (Dkt. no. 4 at 1, 3.) On July 9, 2015, Plaintiff filed a motion entitled "motion requesting mandate" which asked the Court to enter a mandate before entering his notice of appeal. (Dkt. no. 6). The Court denies the motion requesting mandate as procedurally incorrect. As demonstrated by the docket, the Ninth Circuit Court of Appeals processed Plaintiff's notice of appeal absent the requested mandate.

**II. CONCLUSION**

For the foregoing reasons, it is ordered that the motion requesting mandate (dkt. no. 6) is denied.

DATED THIS 4<sup>th</sup> day of February 2016.



MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE